

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JAMES GRZESLO,

Plaintiff,

vs.

B. SUAZO,

Defendant.

1:21-cv-01371 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL, DISMISSING
THE ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE CASE

(Doc. 66)

The assigned magistrate judge issued findings and recommendations, recommending that this case be dismissed without prejudice for Plaintiff's failure to comply with Court orders and to prosecute this case. (Doc. 66.) The magistrate judge found Plaintiff had failed to file a scheduling and discovery statement, despite being given multiple opportunities to do so. (Doc. 66.) In addition, the magistrate judge noted that Plaintiff has repeatedly submitted filings accusing the magistrate judge of violating his constitutional rights, condoning hate crimes against him, and being incompetent, thus indicating that he would not follow any orders going forward in the case. (*Id.* at 1-4.) Furthermore, the magistrate judge recommended that Plaintiff's two recent filings, including an affidavit and a request for judicial notice which repeats his arguments of bias and unlawful rulings, be denied. (*See* Docs. 64, 65.)

The Court served the Findings and Recommendations on all parties and notified them that any objections were due within 14 days. (Doc. 66 at 5.) The Court also informed them that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing

1 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394
2 (9th Cir. 1991).) To date, no objections have been filed. Moreover, Plaintiff has not filed the
3 scheduling and discovery statement as previously ordered.

4 According to 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, this Court conducted a *de novo*
5 review of this case. Having carefully reviewed the entire file, the Court concludes the Findings and
6 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on July 26, 2023, (Doc. 66), are
8 **ADOPTED** in full.
- 9 2. This case is **DISMISSED** without prejudice for Plaintiff's failure to comply with court
10 orders and to prosecute this case.
- 11 3. Plaintiff's recent filings (Docs. 64, 65, 67) are denied as **MOOT**.
- 12 4. The Clerk of Court is directed to close this case.

13
14 IT IS SO ORDERED.

15 Dated: **August 20, 2023**


UNITED STATES DISTRICT JUDGE